

## **6.1 Notice of Electronic Filing (See also [Section 5.3\(g\)](#))**

At the conclusion of a transaction, the system will generate a Notice of Electronic Filing to confirm that the document has been electronically filed. Users should immediately print this Notice. The system will then send all Registered Users associated with that case (and any secondary addressees that may be added to those Registered Users' CM/ECF User Accounts) an e-mail notification message confirming that a docket entry was created. The notice will display the names of the attorneys and, next to their name, list their primary e-mail address and any secondary e-mail addressees added in their User Account. The notice will also display the names and street addresses of those case participants who were not served electronically. The filing party is responsible for effecting service conventionally on parties who were not served electronically.

## **6.2 Receiving Notices of Electronic Filing**

Currently, registered users have two options to receive notification; instantaneously, or in summary report form on the next day.

### **(a) Instantaneous, Individual E-mail Notification Messages**

These message will show a From location of info@ord.uscourts.gov and will be generated upon completion of a transaction.

### **(b) Summary E-mail Notices**

These messages will show a From location of nobody@uscourts.gov and will be sent on the next morning. A summary e-mail notice will only be generated if there is case activity to report. Each e-mail notification message will contain a hyperlink to the docket sheet for that case and a hyperlink to the PDF file uploaded during the transaction. If the document was conventionally filed, users will see a boiler plate PDF file displaying the court seal and text that the document is viewable at the Clerk's Office. E-mail notifications of paperless court entries will only contain a hyperlink to the docket sheet for the case. A PDF file is not uploaded during the posting of a paperless court event and therefore the entire order is solely the docket text which is created and viewable on the Notice of Electronic Filing.

## **6.3 Free Look at the Electronically Filed Document (See also [S](#)**

## **ection 3.3**

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Each e-mail recipient (the primary e-mail recipient as well as any secondary e-mail recipients added to the User Account) receives a "first free look" at the electronically filed document. (Note: transcripts are exempt from the free look provision.) The system virtually marks or records the viewing of the document when the user inserts a PACER login and password following the click on the hyperlinks.

## **6.4 E-mail Notification Message Failures**

Users must verify that the e-mail notification messages from info@ord.uscourts.gov (or from webmaster@teo.uscourts.gov for those users who have opted to receive summary e-mail messages) are not considered "spam" and consequently blocked or quarantined by their e-mail service provider. Users must also verify that their e-mail service provider has a strict policy of transmitting a failure or error message back to the sender if there is a delay or problem in transmittal of an e-mail message. Every e-mail message which leaves the system has a return address of info@ord.uscourts.gov. This allows the court to know when a message has not been received by the attorney. The court cannot, however, verify if a recipient has actually read an e-mail notification message.

### **(a) Transient (Temporary / Non-Permanent) Failure Messages**

Transient messages often occur if a mailbox is too full or if the receiver's e-mail is temporarily down. Most times, these messages are stored by the receiver's e-mail provider to be delivered at a later time when the problem is fixed. Some providers may continue to attempt to send the e-mail notification message to the receiver every 20-60 minutes for several days. These efforts depend upon that provider's policies and procedures. Attempts may continue until either the message gets received (meaning deposited with the receiver - not necessarily meaning that the receiver has actually opened or read the message) or until the period of time for attempts (possibly 4-5 days) expires. Each failed attempt may generate a transient failure message back to the court.

### **(b) Non-Transient (Permanent) Failure Messages (See [LR 83.10](#))**

Non-transient messages may occur if the recipient's e-mail address has a typo, or if that address is no longer active. Often these are due to a change of representative counsel in a case, a change of office staff (for secondary e-mail recipients), or following the move by an attorney to a new firm, office and/or change of e-mail address without proper notification to the court. Failure messages are monitored by court staff. Recipients will be contacted if the court receives a delivery failure message to complete notification and correct case records so future messages may be successfully transmitted. (See [Section 6.6](#) )

## **6.5 Other Messages Received by the Court**

Other messages may appear in the mailbox set up on the court's end. These include:

### **(a) Auto-Reply Messages**

The e-mail notification message is actually delivered, but the receiver has set up an automatic reply which warns that they are unavailable. These messages include out of office messages, vacation messages, etc. No action is taken by court staff and these messages are deleted.

### **(b) Notice of Change of Address or Representation by an Attorney**

Some parties may seek to inform the court of a change of e-mail address or a change in party representation by sending a message to the court via the Internet website mailbox or by sending a reply to an e-mail notification message. Referencing [LR 83](#), court staff will inform the party that any notices of change of business address and/or e-mail address must be made in pleading form and filed in the pending cases and in cases on appeal. A letter to the court including a complete list of the applicable pending cases will be sufficient to update a Registered User's CM/ECF Account. Users are required to maintain their own e-mail notification information. The on-line tutorial simulates the maintenance of the notification screen.

## **6.6 Resending E-mail Notification Messages and Docket Entry Notations**

When delivery of an e-mail notification fails, the clerk's office will contact the parties involved to determine the cause of the failure, enact steps to correct the failure, complete service and, if necessary, make appropriate corrections to the court's case and counsel of record information.

### **(a) Locating the Parties Involved**

The clerk's office will use current case information as well as the Oregon State Bar on-line directory (or other state bar directory resources) to locate an attorney. The attorney will be orally notified of the failure message and instructed to view the case docket and docket entry on-line via PACER.

### **(b) Requesting Correction of Record Information**

Attorneys will be asked to comply with [LR 83](#) by submitting a notice of change of address in their pending cases and/or cases on appeal. A motion for substitution of counsel or notice of withdrawal or substitution of counsel may be requested. Registered Users will be reminded to maintain their own User Account with regard to secondary e-mail address information.

### **(c) New E-mail Address Information**

Court staff may resend or forward a failure message to an attorney's new e-mail address along with an informational message referencing [LR 83](#) (change of address or change in counsel of record) and instructions on how to maintain their User Account (for corrections to secondary e-mail recipients). Requests for change of counsel or change of address information by an attorney should be filed pursuant to [LR 83](#).

### **(d) Notices to Co-Counsel of Record**

Court staff may forward failure messages of associate counsel to local counsel or other co-counsel of record and request that they assist the court by clarifying or correcting the counsel of record information.

### **(e) Completion of Service Following Failure of Electronic Notification**

Court staff will notify opposing counsel to complete service in the conventional manner of

an undeliverable electronically filed document if the other attempts to complete notification fail. Court staff will complete service conventionally (via facsimile or regular mail) of an undeliverable electronically filed court-generated document if the other attempts to complete notification fail.

#### **(f) Documentation of Failure on Case Docket**

If the clerk's office is unable to reach the party(ies) involved, the transaction failure will be documented on the case docket. The event used to record the transaction failure prompts for the e-mail address of the intended recipient, the date the court received notice of the transaction failure, and it requires the court user to insert an explanation of what steps were taken by court staff to either complete or perfect service of the document(s). If the undeliverable message relates to a document electronically filed by an attorney, court staff will notify that attorney of the failure and ask that a revised certificate of service be filed.

### **6.7 Stopping Notices of Electronic Filing**

The court is required under Fed. R. Civ. P. 77(d) to notify counsel of record of the entry of all orders, judgments, including post-judgment orders and appeal activity, even if the litigant represented has been terminated from the case. Counsel desiring to terminate electronic notices in a case must do so affirmatively by either:

- Withdrawing from the case as counsel of record (See [LR 83](#));
- Filing a formal notice in pleading form requesting that the e-mail notification in the case to their e-mail address be turned off; or,
- Alternatively, and perhaps preferably, deleting the e-mail notification messages as they are received.